

# UNITED STATES DISTRICT COURT

## DISTRICT OF MONTANA

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOHN RUSSELL HOWALD,**

**Defendant.**

**CR 21-04-H-BMM**

**UNITED STATES' EXHIBIT LIST**

PRESIDING JUDGE: Hon. Brian Morris		PLAINTIFF'S ATTORNEY(S): AUSA Ethan Plaut DOJ Trial Attorney Eric Peffley	DEFENDANT'S ATTORNEY(S): Colin Stephens	
TRIAL DATE(S): February 7, 2023		COURT REPORTER: Yvette Heinze	COURTROOM DEPUTY: Athena Cobb	
EX #	DATE ADMITTED	DESCRIPTION OF EXHIBIT	WITNESS	STIPULATED ADMISSIBLE
1	2.14.23	Four 7.62X39mm cartridge cases (Basin Street)		
2		Seven 7.622x39mm cartridge cases (intersection)		
3		Two rounds of 7.62x39mm ammunition (intersection)		
4		One fired bullet from house of Individual 1		
5		AR Style Rifle (Ford Mustang)		
6		Two rifle magazines (Ford Mustang)		
7		Forty-two (42) rounds of 5.56 caliber ammunition (Ford Mustang)		
8		Smith & Wesson Model 657, .42 Remington Caliber Revolver (Ford Mustang)		
9		Springfield Armory HS Produkt Model XD-S, .45 ACP caliber pistol (defendant)		
10		Fourteen (14) rounds of .45 caliber ammunition (defendant)		
11		AK Style 7.62x39mm caliber rifle (Basin Creek Road)		

EX #	DATE ADMITTED	DESCRIPTION OF EXHIBIT	WITNESS	STIPULATED ADMISSIBILITY
12	2-14-23	One round of 7.62.39mm ammunition (Basin Creek Road)		
13		Two rifle magazines (Basin Creek Road)		
14		Thirty (30) rounds of 7.62x39mm ammunition (Basin Creek Road)		
15		Mossberg Model 100 ATR, 30-06 caliber rifle (Basin Creek Road)		
16		Four rounds of 30-06 ammunition (Basin Creek Road)		
17		Assorted ammunition (Basin Creek Road)		
18		Holsters and Magazine		
19	2-16-23	Reserved 7.62x39mm TULA MMCO		
20	2-14-23	Google Image – Basin Overview		
21		Google Image – Basin Street Image		
22		Google Image – James Residence		
23		Photo of four casings near Basin Creek Pottery		
24		Photo of casings near Basin Creek Pottery		
25A		Photo of ammunition in street		
25B		Photo of casings near James residence		
26A		Photo of ammunition in street		
26B		Photo of rounds near James residence		
27		Photo of inside of Blazer		
28		Photo of inside of Blazer – close-up		
29		Photo of ammunition box interior		
30		Photo of porch		
31		Photo of Knife		
32		Photo of Pistol		
33		Photo of Mustang		
34		Photo of rear seat and pack		
35		Photo of backpack contents		
36		Photo of revolver and holster		
37		Photo of revolver		



EX #	DATE ADMITTED	DESCRIPTION OF EXHIBIT	WITNESS	STIPULATED ADMISSIBILITY
38	2-14-23	Photo of AR rifle		
39	↓	Photo of magazines and round		
40	↓	Photo of AR magazine housing		
41	↓	Photo of ammunition		
42		Reserved		
43		Reserved		
44	2-14-23	Photo of house with fence		
45	↓	Photo of fence with bullet holes		
46	↓	Photo of fence with bullet holes – flagged		
47	↓	Photo of bullet hole at top of fence		
48	↓	Photo of bullet hole at top of fence – closeup		
49	↓	Photo of fence and house with holes flagged		
50	↓	Photo of inside fence with flagged holes		
51	↓	Photo of mark in dirt in yard		
52	↓	Photo of hole – exterior leg of porch		
53	↓	Photo of hole – interior leg of porch		
54	↓	Photo of mark in dirt near leg of porch		
55	↓	Photo of hole in porch face board		
56	↓	Photo of hole in porch joist		
57	↓	Photo of front of house with flagged holes		
58	↓	Photo of closeup of hole in house		
59	↓	Photo of first bullet hole inside house		
60	↓	Photo of second bullet hole inside house		
61	↓	Photo of third bullet hole inside house		
62	↓	Photo of fourth bullet hole inside house (blanket)		
63	↓	Photo of fourth bullet hole inside house (from inside)		
64	↓	Photo of kitchen entry view		
65	↓	Photo of entry to kitchen view		
66	↓	Photo of hole above fridge		

EX #	DATE ADMITTED	DESCRIPTION OF EXHIBIT	WITNESS	STIPULATED ADMISSIBILITY
67	2-14-23	Photo of hole above fridge with bullet		
68		Photo of camper		
69		Photo of ammo box in dining area		
70		Photo of closeup of ammo box in dining area		
71		Photo of ammo box by door		
72		Photo of closeup of ammo box by door		
73		Photo of ammo box behind mattress		
74		Photo of closeup of ammo box behind mattress		
75		Photo of rifle in closet		
76		Photo of rifle		
77		Photo of bed		
78		Photo of compartment under bed		
79		Photo of chambered round in rifle		
80		Photo of AK magazines		
81		Photo of ammo in magazine		
82		Photo of ammo in second magazine		
83		Photo of Chevy truck		
84		Photo of ammo box in bed of truck		
85		Photo of ammo in box		
86		Reserved		
87		Reserved		
88		Reserved		
89		Reserved		
90	2-14-23	Photo of AK rifle – right side		
91		Photo of AK closeup		
92		Photo of AK closeup		
93		Photo of AK closeup		
94		Photo of AK rifle – left side		
95		Photo of AK closeup		
96		Photo of AK closeup		
97		Photo of AK closeup		



EX #	DATE ADMITTED	DESCRIPTION OF EXHIBIT	WITNESS	STIPULATED ADMISSIBILITY
98	2-14-23	Photo of AK bolt carrier and bolt		
99		Photo of AK bolt		
100		Photo of AK gas tube		
101		Photo of AK closeup		
102		Photo of one 7.62 round and evidence bag		
103		Photo of one 7.62 round		
104		Photo of 7.62 rounds in evidence bag		
105		Photo of 7.62 rounds in evidence bag		
106		Photo of 7.62 rounds		
107		Photo of two 7.62 rounds and evidence bag		
108		Photo of two 7.62 rounds and evidence bag		
109		Photo of 7 casings and evidence bags		
110		Photo of 7 casings		
111		Photo of four casings in evidence bags		
112		Photo of four casings in evidence bags		
113		Photo of four casings		
114		Drawing by KJ		
115		Two photos of James truck		
116		Reserved		
117		Reserved		
118		Reserved		
119		Reserved		
120	2-14-23	Audio clip of incident (Stacey Hale interview)		
121		Video clip of bodycam (Gardner)		
122		Video clip of dashcam (Gardner)		
123		Video clip of arrest (bodycam)		
124		Video clip of arrest (dashcam)		
125		Video clip of arrest (rear dashcam)		
126	2-14-23	Audio clip of 911 Call (Heaton)		
127		Full audio recording of 911 Call (Norris)		

EX #	DATE ADMITTED	DESCRIPTION OF EXHIBIT	WITNESS	STIPULATED ADMISSIBILITY
128	2-14-23	Full audio of incident (Stacey Hale Interview) (audio clip is Exhibit 120) 2-17-23 Stipulated Removed by Counsel		
129	1	Still Image from bodycam video (Gardner) (Exhibit 121, :40 timestamp)		
130	1	Still Image from bodycam video (Gardner) (Exhibit 121, :43 timestamp)		
131				
132				
133				
134				
135				
21a	2-16-23	Exh 21 - Image Capture Photo marked by Ronald Hale		